





PTO/SB/64 (10-00)
Approved for use through 10/31/2002. OMB 0651-0031

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) PA1675US
First named inventor: Clifford L. Hersh		
Application No.: 09/701,797	Group Art Unit:	unknown
Filed: December 1, 2000	Examiner: Unk	nown
Title: Method for Increased Concurrency In a Comp	puter System	·
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231		
NOTE: If information or assistance is needed in completing th Information at (703) 305-9282.	is form, please con	tact Petitions
The above-identified application became abandoned for failure to file a notice or action by the United States Patent and Trademark Office. The expiration date of the period set for reply in the Office notice or action p actually obtained.	date of abandonme	ent is the day after the
APPLICANT HEREBY PETITIONS FOR REVIVAL O	F THIS APPLICATI	ON
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer feerequired filed before June 8, 1995; and for all design appli (4) Statement that the entire delay was unintentional	ications; and	ant applications
1. Petition fee Small entity-fee \$_640_ (37 CFR 1.17(m)). Applicant claims	small entity status.	See 37 CFR 1.27.
Other than small entity - fee \$(37 CFR 1.17(m)) 2. Reply and/or fee		RECEIVED
A. The reply and/or fee to the above-noted Office action in the form of Notification of a Defective Oath or Declaration, has been filed previously on	·	JAN 1 8 2002

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

01/17/2002 CCHAU1 00000009 09701797

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		Į.					
3. Terminal disclaimer with disclaimer fee							
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.							
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).							
filing of a grantable petition under 37 CFR 1. Trademark Office may require additional	required reply from the due date for the required reply unti .137(b) was unintentional. [NOTE. The United States Patent information if there is a question as to whether either tition under 37 CFR 1.137(b) was unintentional (MPER	and the					
	ay become public. Credit card information should not it card information and authorization on PTO-2038.						
	Ry. 90 41, 177						
Date	Signature						
Telephone Number:(650) 812-3472	Morgan E. Malino						
	Typed or printed name						
	2225 East Bayshore Road, Suite 200						
	Address						
Enclosures: X Fee Payment	Palo Alto, CA 94303REC	FIL					
X Reply	1941	LINE					
☐ Terminal Disclaimer Form	Palo Alto, CA 94303 REC JAN 1 OFFICE	8 2002					
Additional sheets containing st	tatements establishing unintentional delay Notification, Post Card. OFFICE OF DEPUTY ACC	PET					
Other: Fee Calculation Sheet,	tatements establishing unintentional delay Notification, Post Card.	PATENT					
CERTIFICATE OF MA	AILING OR TRANSMISSION [37 CFR 1.8(a)]	7					
I hereby certify that this correspondence is beir	ng:						
	al Service on the date shown below with sufficient postage as ed to: Assistant Commissioner for Patents, Box DAC, Washington,						
transmitted by facsimile on the date she (703) 308-6916.	own below to the United States Patent and Trademark Office at						
October 19, 2001	North - 12, n. 41,17	7					
Date	Signature						
	Morgan E. Malino						
	Type or printed name of person signing certificate	,					

PTO/SB/17 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)70	5.00
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Complete if Known				
Application Number	<u>.</u>			
Filing Date	12/01/2000	~		
First Named Inventor	Clifford Hersh			
Examiner Name	Unknown			
Group Art Unit	Unknown			
Attorney Docket No.				

	METHOD OF PAYMENT		FEE CALCULATION (continued)					
	Commissioner is hereby authorized to charge		3. A	DDIT	ION	AL FE	ES	
Deposit	cated fees and credit any overpayments to:			Larg		Sma		
Account Number	06-0600		Fee	Entit Fee	y Fee	Entit Fee	Fee Description	Fee Paid
Deposit			Code	e (\$)	Cod		·	65
Account Name	Carr & Ferrell, LLP		105	130	205	65	Surcharge - late filing fee or oath	05
	e Any Additional Fee Required		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
	cant claims small entity status.	ı	139	130	139	130	Non-English specification	
See 3	37 CFR 1.27	_	147	2,520	147	2,520	For filing a request for ex parte reexamination	
2. X Pay X Chec	rment Enclosed: ck Credit card Money Oth Order Oth	er	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
	FEE CALCULATION		113	1,840*	113	1,8401	Requesting publication of SIR after Examiner action	
1. BASIC	FILING FEE		115	110	215	55	Extension for reply within first month	
	riLING FEE ity Small Entity		116	390	216	195	Extension for reply within second month	•
Fee Fee	Fee Fee Fee Description	امن	117	890	217	445	Extension for reply within third month	
Code (\$) 101 710	Code (\$) Fee Pa		118	1,390	218	695	Extension for reply within fourth month	
106 320	206 160 Design filing fee	⊣ ۱	128	1,890	228	945	Extension for reply within fifth month	
107 490	207 245 Plant filing fee	⊣ [119	310	219	155	Notice of Appeal	
108 710	208 355 Reissue filing fee	-1 1	120	310	220	155	Filing a brief in support of an appeal	
114 150		_]	121	270	221	135	Request for oral hearing	
		l	138	1,510	138	1,510	Petition to institute a public use proceeding	
	SUBTOTAL (1) (\$)0		140	110	240	55	Petition to revive - unavoidable	
2. EXTRA	CLAIM FEES Fee from		141	1,240	241	620	Petition to revive - unintentional	640
	Extra Claims below Fee I	Paid	142	1,240		620	Utility issue fee (or reissue)	
Total Claims Independent	= 0	=	143	440		220	Design issue fee	
Claims	- 3 = x = 5	╣	144	600			Plant issue fee	
Multiple Deper	ndent =0	—1	122	130	122		Petitions to the Commissioner	03.0-
Large Entity	y Small Entity		123	50	123	50		IVED
Fee Fee	Fee Fee Fee Description	ı	126	180	126	180	Submission of Information Disclosure Stmt	
Code (\$) 103 18	Code (\$) 203 9 Claims in excess of 20		581	40	581	40	Recording each patent assignment (times number of properties)	2002
102 80 104 270	202 40 Independent claims in excess of 3 204 135 Multiple dependent claim, if not pai	,	146	710	246	355	Filing a submission after final rajection (37 CFR § 1.129(a))	ETITIONS
109 80	209 40 ** Reissue independent claims over original patent	Ĭ	149	710	249	355	For each additional invento EPIdTY A/C examined (37 CFR § 1.129(b))	PATENTS
110 18	210 9 ** Reissue claims in excess of 20	ł	179	710	279	355	Request for Continued Examination (RCE)	
	and over original patent		169	900	169	900	Request for expedited examination	
	SUBTOTAL (2) (\$) 0		Other	fee (s	pecify)	of a design application	
			*Red	uced by	/ Basi	c Filing	Fee Paid SUBTOTAL (3) (\$) 70	5

SUBMITTED BY Complete (if applicable) Registration No. Name (Print/Type) Moragan, E. Malino Telephone 41,177 (650) 812-3472 (Attorney/Agent) Signature October 19, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

DATE MAILED:

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. X 2. 3. 4. 5.	does does does inve	or executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. Both applicant must not identify the specification to which it is directed. I so not identify the inventor(s). Is not identify the citizenship of each inventor. Is not state the person making the oath or declaration believes the named inventor or entors to be the original and first inventor or inventors of the subject matter which is med and for which a patent is sought.
1.497(a) A	TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR ND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER IONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.
Additi	onal	ly, the oath or declaration does not comply with 37 CFR 1.63 in that it:
1.		loes not identify the city and state or city and foreign country of residence or each nventor.
2.	c	loes not state that the person making the oath or declaration:
· a.		has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
b.		acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. 🔲	1	does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4.	1	does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
		Telephone: (703)

FORM PCT/DO/EO/917 (September 1996)

ACROTION: Response to	Due: 3/11/2001
Defective POA Due.	Due: 3/11/2001
	Due:
	Due:
	-Que:
DOSSIGNATION BOY: 201	Deta: 2/22/200
ANY Cricesiant Scientificant:	

02/23/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Clifford L. Hersh, Herbert W. Sullivan

SERIAL NO.:

09/701,797

FILING DATE:

12/1/2000

TITLE:

Method for Increased Concurrency in a Computer System

EXAMINER:

GROUP ART UNIT:

n/a

ATTY.DKT.NO.:

PA1675US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Posta vice as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date printed below

Dated: October 19, 2001

COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

RECEIVED

JAN 1 8 2002

Sir:

OFFICE OF PETITIONS DEPUTY A/C PATENTS

Applicants believe the enclosed submission constitutes a complete reply to the outstanding Notification of a Defective Oath or Declaration mailed on February 23, 2001.

The attached declaration fully complies with 37 CFR 1.63 – 1.69. The first two pages have been executed by the legal representative of Herbert W. Sullivan (deceased). All four pages have been executed by Clifford L. Hersh. Together, the four-page declaration satisfies the statutory requirements. Of specific note, both inventors are identified on page one of the declaration ("First Named Inventor" is listed as Clifford L. Hersh, and the statement "I believe that Herbert W. Sullivan was the first and joint

01/17/2002 CCHAU1 00000009 09701797

inventor . . . " is made) as well as on page four (signature blocks identify both Mr. Hersh and Mr. Sullivan as inventors). Additionally, the citizenship, residence and mailing address of both inventors are identified on page four, and the citizenship, residence and mailing address of Joan Todd, legal representative of Mr. Sullivan, is identified on page two.

Accordingly, Applicants believe the attached declaration constitutes a complete reply to the outstanding Office Action.

Respectfully submitted,

Clifford L. Hersh and Herbert W. Sullivan

Dated: October 19, 2001

Morgan E. Malino

Attorney, Reg. No. 41,177 CARR & FERRELL *LLP*

2225 East Bayshore Road, Suite 200

Palo Alto, CA 94303 TEL: (650) 812-3400

FAX: (650) 812-3444

JAN 1 8 2002

OFFICE OF PETITIONS DEPUTY A/C PATENTS

Please type a plus sign (+) inside this box -> +

DECLARATION FOR UTILITY OR

DESIGN

PATENT APPLICATION

PTO/SB/01 Modified (10-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Clifford L. Hersh

Attorney Docket Number PA1675US

COMPLETE IF KNOWN

First Named Inventor

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(S/ CER I	Application No	1110er 09//	UI,/9/					
C Designation X	Declaration	Filing Date	Dece	mber 1, 20	00			
Submitted OR	Submitted after Initia	.Group Art Unit	unkno	own				
with Initial Filing	Filing (surcharge (37 CFR 1.16 (e)) required)	Examiner Nam	e unkno	own				
As a below named legal representative, I hereby declare on information and beliet that:								
My residence, mailing address, and citizenship are as stated below next to my name.								
I believe that Herbert W. Sullivan patent is sought on the invention		entor of the subject ma	itter which is claim	ned and for which	а			
Method For Increas	ed Concurrency	In A Compute	er System		·			
the specification of which	(Ті	tle of the Invention)	··					
is attached hereto								
OR 51-4 (444/00000000	12/01/2000	as United S	States Application	Number or PCT Ir	nternational			
Application Number (if applicable).								
Application Number 09/70		mended on (MM/DD/YY	,					
On information and belief Herbert W. Sullivan reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.								
On information and belief Herbert defined in 37 CFR 1.56, including date of the prior application and to	W. Sullivan acknowledg for continuation-in-part and national or PCT intern	ed the duty to disclose applications, material in ational filing date of the	information which formation which be continuation-in-p	is material to pat ecame available l art application.	entability as between the filing			
Herbert W. Sullivan hereby claim patent or inventor'scertificate, or United States of America, listed or inventor'scertificate, or any PC	365(a) of any PCT interr below and have also i	national application whilidentified below by ch	ch designated at lecking the box	least one country	other than the			
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy YES	/ Attached? NO			
Dam (11000 /10422	Town .	06/03/1000		. 🗆	X			
PCT/US99/12433	PCT	06/03/1999						
)[]				
☐ Additional foreign application								
Herbert W. Sullivan hereby clair	ms the benefit under 35 t	U.S.C. 119(e) of any Ur	nited States provis	sional application(s) listed below.			
Application Number(s)	Filing Date	(MM/DD/YYYY)	Addition	al provisional appl	ication			
60/087,891		06/03/1998	numbers supplem	are listed on a ental priority data //02B attached her	GENER			
				JA	1 8 2002			

Please type a plus sign (+) inside this box

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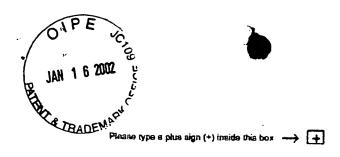
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	ustomer Nur r Bar Code L	mber abel			OR [Correspondence address below
Name 22830 PATENT TRADEMARK OFFICE						
Address					· <u>·</u> ····	
Address			<u> </u>			
City				State		ZIP
Country		Telephone)			Fax
I hereby declare that all statements mad are believed to be true; and further that made are punishable by fine or imprisor validity of the application or any patent is	t these state nment, or bo	ments were th, under 1	e made wi	th the kno	wiedge that will	ful talse statements and the like so - i
NAME OF FIRST INVENTOR'S L	EGAL RE	PRESEN	TATIVE	: (Repr	esenting Her	bert W. Sullivan)
Given Name Joan (first and middle [if any])				Family N		
Representative's Signature	19	do	_			Date 1 /30/001
Residence: City NEW	ORK		State \(\int\)	f.Y.	Country U.S	Citizenship U.S. A
Mailing Address 205	G. ST.	END	A	Ven	we	
Mailing Address	ን	28				
City NEW YORK	State ^	4.)	/ .	ZIP	10023	Country U.S.A.
NAME OF SECOND INVENTOR	:			A petiti	on has been f	iled for this unsigned inventor
Given Name (first and middle [if any])		·		Family N		
Inventor's Signature						Date
Residence: City			State		Country	Citizenship EC
Mailing Address						JAN 18 2002
Mailing Address						
City	State			ZIP	-	OFFICE OF PETITIO
Additional inventors are being named	d on the	suppleme	ntal Additio	nal Inven	tor(s) sheet(s) P	TO/SB/02A attached hereto.



DECLARATION FOR UTILITY OR DESIGN		Attorney Docket Nu	mber	PA1675US		
		First Named Invento	Clifford L. Hersh			
	PATENT APPLICATION		COMPLETE IF KNOWN			
(37 CFR 1.63)		Application Number	09/701,797			
		Filing Date	Dece	mber 1, 2000		
	Submitted after Initial	Group Art Unit	unkno	own		
with Initial Filing (surcharge (37 CFR 1.16 (e)) required)		Examiner Name unknown		own		
		required)		diki	own	

My residence, mailing address, and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor								
of the subject metter which is claimed and for which a patent is sought on the invention entitled:								
Method For Increased Cor	Method For Increased Concurrency In A Computer System							
(Title of the Invention) the specification of which								
is attached hereto	☐ Is attached hereto							
was filed on (MM/DD/YYYY	12/01/200		tates Application	Number or PCT International				
Application Number 09/70	1,797 and was a	======================================	m 🗀	(if applicable).				
I hereby state that I have reviewe amended by any amendment spo	d and understand the c	ontents of the above iden	,	n, including the claims, as				
I acknowledge the duty to disclos in-part applications, material info PCT international filing date of the	mation which became a	wallable between the filin	defined in 37 CF ig date of the pric	FR 1.56, including for continuation- or application and the national or				
I hereby daim foreign priority be certificate, or 365(a) of any PCT America, listed below and have certificate, or any PCT internation	international application also identified below.	n which designated at lea by checking the box, a	set one country on the foreign application of the country of the c	ther than the United States of sation for patent or inventor's				
Prior Foreign Application Number(s)	Country	Foreign Filling Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO				
PCT/U\$99/12433								
Additional foreign application	numbers are listed on a	supplemental priority da	ta sheet PTO/SB	V02B attached hereto:				
I hereby dalm the benefit unde	I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.							
Application Number(s) Filing Date (MM/DD/YYYY) 50/087,891 O6/03/1998 Additional provisional application numbers are lieted on a supplemental priority data sheet PTO/SB/02B attached hereto.								
			DP.					

[Page 3 of 4]

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RADEMAR DECLARATION						
DECLARATI	ON —	Utilit	y or D)esi	gn Patent	t Application
Direct all correspondence to:	Customer N or Bar Code	lumber Label			0R []	Correspondence address below
Name	*********	P/	228 ATENT TRADEN	30 MARK OF	FICE	
Address						
Address						
City				State		ZIP
Country		Telephor	ne			Fax
i hereby declare that all statements m are believed to be true; and further th made are punierable by fine or impris validity of the application or any patent	comment or he	ath under	nowledge as are made with 18 U.S.C. 1	re true : fth the (1001 an	and that all stateme knowledge that with id that such willful fi	ants made on information and belief
NAME OF SOLE OR FIRST IN	VENTOR:		<u> </u>	A pet	ition has been fil	led for this unsigned inventor
Given Name Clifford L. (first and middle [if any])				Femily or Sur	Name Hersh	
Inventor's Signature Office	2 //	esse				Date 16/1/001
Residence: City Berkeley			State CA		Country USA	Citizenship USA
Mailing Address 2631 Piedmont A	.V9					
Mailing Address	т					
City Berkeley	State CA			ZIP S	4704	Country USA
NAME OF SECOND INVENTOR	<u>t:</u>	<u> </u>		A petit	tion has been file	ed for this unsigned inventor
Given Nama Herbert W. (first and middle [if any])				or Surr	Name Sullivan	
Signature of Joar Inventor's Sullivan), along Signature appear on page 2	with her	r addre	bas and	citi	Herbert zenship	Date Na
Residence: City New York			State NY		CountryUSA	CRIZENSHIP USA
Mailing Address 205 West End Av	enue	·				
Malling Address Apt. 22E	,					
city New York	3022	York		CHP .	0023	COUNTY RECEIVED
Additional inventors are being named	on the	supplemen	ital Addition	e) inven	itor(s) sheet(s) PTO	/SB/02A attached herato